IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3810 of 1989

AND

SPECIAL CIVIL APPLICATION NO. 7984 OF 1989

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARMAR BABUBHAI DAHYABHAI & 14OTHERS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3810 of 1989

MR PV HATHI for Petitioner No. 1-15

GOVERNMENT PLEADER for Respondent No. 1

M/S PURNANAND & CO for Respondent No. 2-3

MR HR LATHIGARA for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 09/07/2004

ORAL JUDGEMENT

1. Both these petitions challenge the government resolution dated 16-5-1989 as well as the order by which the consolidated pay fixed by that resolution is sought to be applied to the petitioners who were initially given a regular pay scale though recruited as seasonal field workers.

2. At the outset, the learned counsel for the petitioners in both these matters stated that they do not press for their challenge against the impugned resolution, but their contention is that, no hearing was given before giving them a consolidated pay of Rs.800/per month for superior field worker and Rs.600/- per month for field worker as against the pay scale of Rs.950 - Rs. 1500 for superior field worker and Rs.750 - Rs. 940 for field worker.

3. Admittedly, in the original orders of their appointment, they were given the pay scale of Rs.950 Rs.1500 for superior field workers and Rs.750 - Rs.940 for field workers. It is stated that the leader of the team is known as the superior field worker who was given Rs.950 - Rs.1500, while the field workers were pumpman and sprayman, who were given the pay scale of Rs.750 Rs.940/-.

4. Admittedly, no hearing was given before changing the pay scales which were given to the petitioners as per their orders of appointment and they were, by the impugned order dated 25-5-1989, given the substituted consolidated pay of Rs.800 per month for sprayman and Rs.600 per month for pumpman. The petitioners were under the orders of their appointment, entitled to the pay scales mentioned therein and reducing those scales into a lower consolidated pay affected their civil rights. It was, therefore, necessary to give an opportunity of being heard to the petitioners in the matter before reducing their entitlements as earlier stated in their orders of appointment. The respondents have not cared to file any affidavit-in-reply in these petitions.

5. The learned Assistant Government Pleader appearing in these petitions submits that if the Department so decides, show cause notices will be issued to the petitioners and fresh orders will be made only after hearing them.

6. The impugned orders dated 25-5-1989, only to the extent that they reduce the pay scale of the petitioners which was mentioned in their initial orders of appointment, are hereby set aside. Rule is made absolute to this limited extent in both these petitions with no order as to costs.

[R.K.ABICHANDANI, J.]

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